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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,799

03/12/2004

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527.1003DIV

8292

23280 7590 02/25/2009
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ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

02/25/2009

PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CASSONI GOLF, LLC

Appeal 2008-6107
Application 10/799,799
Technology Center 3600

Decided¹: February 25, 2009

Before JAMESON LEE, RICHARD TORCZON, and SALLY C.
MEDLEY, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

A. STATEMENT OF THE CASE

This is a decision on appeal by the real party in interest, Cassoni Golf, LLC (CG), under 35 U.S.C. § 134(a) from a final rejection of claims 14-33. CG requests reversal of the Examiner's rejection of those claims. We have jurisdiction under 35 U.S.C. § 6(b). We affirm-in-part.

References Relied on by the Examiner

St. Clair	4,061,257	Dec. 6, 1977
Casady	4,355,746	Oct. 26, 1982
Tang	6,007,031	Dec. 28, 1999
Hokaku ²	JP 10-155954	June 16, 1998

The Rejections on Appeal

The Examiner rejected claims 14, 15, and 17-33 under 35 U.S.C. § 102(a) as anticipated by St. Clair.

The Examiner rejected claims 14-33 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady.

The Examiner rejected claims 27-33 under 35 U.S.C. § 103(a) as unpatentable over Casady and Tang.

The Invention

The invention relates to a device mounted to a golf car for attaching a golf club carrier to the rear of the golf car. (Spec. 3:¶¶ 13 & 14.)

Claim 14 is reproduced below (Claims App'x 13:1-8):

14. A mountable device for a golf car comprising:

² Citations in this opinion to page and paragraph numbers in Hokaku refer to the English translation of that document.

a frame for placement in a bag bay of the golf car, the frame having a frame section contacting a bottom of the bag bay;

at least one attachment device for connecting the frame to the golf car;

a first hitch connected to the frame, the first hitch at least partially extending downwardly from the frame section; and

a second hitch connected to the frame, the second hitch at least partially extending downwardly from the frame section.

B. ISSUES

1. Has CG shown that the Examiner erred in finding that St. Clair discloses frame contacting a bottom of a bag bay of a golf car?

2. Has CG shown that the Examiner erred in determining that St. Clair's carrier device satisfies the requirement of "a frame for placement in the bag bay of the golf car"?

3. Has CG shown that the Examiner erred in finding that St. Clair discloses two hitches?

4. Has CG shown that the Examiner erred in finding that Hokaku discloses a frame that contacts a bottom of a bag bay?

5. Has CG shown that the Examiner erred in determining that Hokaku's elevating mechanism satisfies the requirement of "a frame for placement in the bag bay of the golf car"?

6. Has CG shown that the Examiner erred in determining that a person of ordinary skill in the art would have modified Hokaku to include two hitches in light of the teachings of Casady?

7. Has CG shown that the Examiner erred in determining that Casady discloses a first hitch that supports the entire weight of a detachable device?

C. FINDINGS OF FACT

1. In the context of CG's specification, a "bag bay" is a hollowed rear portion of a golf car that receives golf bags and is separate from a bumper portion of the golf car. (Spec. 12:¶ 74; Figure 5.)

St. Clair

2. St. Clair discloses a golf bag and golf cart carrier for automobiles. (St. Clair Abstract.)

3. In St. Clair, a carrier device 13 is secured to a rear bumper 11 and rear deck or trunk lid 12 of automobile 10. (St. Clair 3:38-41.)

4. St. Clair does not disclose that either bumper 11 or trunk lid 12 receive or store bags.

5. St. Clair's Figure 1 is reproduced below:

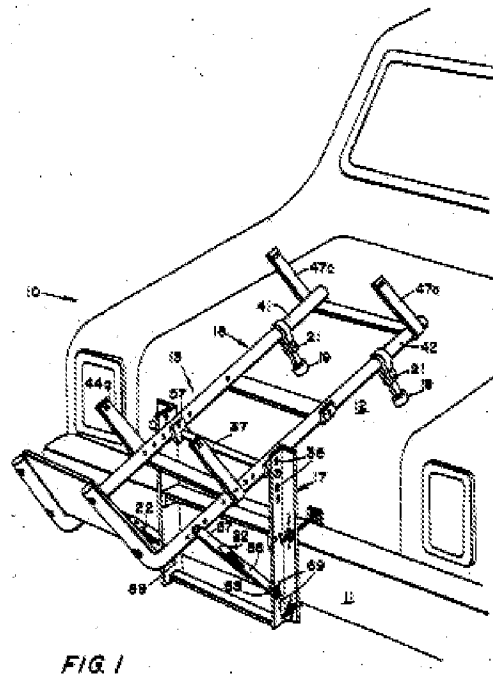


Figure 1 shows the rear end of an automobile supporting a carrier device. (St. Clair 3:19-21.)

6. Carrier device 13 includes a carrier rack 18 that is attached to a frame 17 and supports golf bags and carts 14 on automobile 10. (St. Clair 3:38-53).
7. Carrier rack 18 includes left and right tubular members 41 and 42 each of which are connected to an associated pair of arms 44a and 47a. (St. Clair 4:21-37.)
8. Arms 44a and 47a “act as load retaining side rails and include holes 48 for attachment of load retaining strips 49 (see FIG. 2).” (St. Clair 4:37-39.)
9. St. Clair discloses that its carrier “may be applied to a number of different types of vehicle rear ends.” (St. Clair. 3:10-13.)

Hokaku

10. Hokaku discloses a golf bag elevating mechanism 3 located on a rear part 1a of a golf cart body 1. (Hokaku 4: ¶ 12.)

11. Hokaku's Figure 1 is reproduced below:

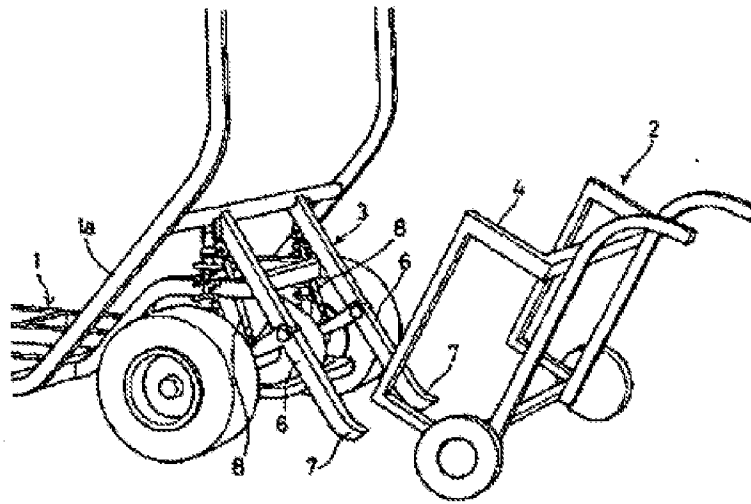


Figure 1 shows an embodiment of a golf cart 1 including an elevating mechanism 3. (Hokaku 4: ¶ 10.)

12. Hokaku does not disclose that the rear part 1a of cart body 1 includes a “bag bay.”

13. Rather, in Hohaku, golf bags are stored in detachable golf bag carrier 2, which engages elevating mechanism 3 through hooks 7. (Hokaku 4: ¶¶ 11 & 12.)

14. Hokaku distinguishes its golf cart from “conventional golf carts” that include a bag carrying platform located on the rear part of a golf cart body. (Hokaku 3: ¶¶ 2 & 3.)

Casady

15. Casady discloses a golf cart body 16 having a rear mounted main holding frame 10 that supports golf bags. (Casady 2:38-45.)

16. Frame 10 includes four spring-loaded arms 28, 29, 30, and 31 that are pivoted into a position to engage a golf bag. (Casady 3:4-24.)

17. Each arm includes a hook 28a, 29a, 30a, 31a that engages an upper portion golf bag. (Casady 3:25-31.)

18. As for support of a lower portion of each golf bag, Casady discloses (Casady 3:32-41):

When being held, the bottom of the held golf bags rest on the car. Thus where the middle arms 29 and 30 are used, the bottom of the bags held by those arms will rest in well 17 as is usually the case and will generally also rest against well wall 15 since the bags are held at an angle. When the outside arms 28 or 31 are used, as shown in FIG. 2 the bottom of the bags will rest on fenders 16 of the car and generally against seat upright support 20, since these bags are also held at an angle, as shown.

19. Casady does not disclose that any of the arm 28, 29, 30, and 31, termed “hitches” by the Examiner, support the entire weight of a golf bag.

Tang

20. Tang discloses a golf bag with wheeled legs and does not disclose a device for hitching the golf bag to a golf car. (Tang Abstract.)

D. PRINCIPLES OF LAW

To establish anticipation under 35 U.S.C. § 102, each and every element in a claim, arranged as is recited in the claim, must be found in a single prior art reference. *Karsten Manufacturing Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383 (Fed. Cir. 2001).

While claim terms are given their broadest reasonable interpretation during examination, that interpretation must be consistent with the specification. *In re Prater*, 415 F.2d 1393, 1404 (CCPA 1969).

The test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). Furthermore, a prior art reference must be considered for everything it teaches by way of technology and is not limited to the particular invention it is describing and attempting to protect. *EWP Corp. v. Reliance Universal Inc.*, 755 F.2d 898, 907 (Fed. Cir. 1985). A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton. *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742 (2007).

A basis to combine teachings need not be expressly stated in any prior art reference. *In re Kahn*, 441 F.3d 977, 989 (Fed. Cir. 2006). There need only be an articulated reasoning with rational underpinnings to support a motivation to combine teachings. *Id.* at 988.

E. ANALYSIS

The anticipation rejection

The Examiner rejected claims 14, 15, and 17-33 under 35 U.S.C. § 102(a) as anticipated by St. Clair. We address the claims in two groupings: (1) claims 14, 15, and 17-26; (2) claims 27-33.

Claims 14, 15, and 17-26

We focus on the disputed limitations. CG disputes that St. Clair satisfies the requirement in independent claims 14 and 26 of “a frame for placement in a bag bay of the golf car, the frame having a frame section contacting a bottom of the bag bay.” (Claims App’x 13:2-3.)

The Examiner found that (Ans. 4:3-5)

St. Clair shows a mountable device *for* a golf car (figures 1-2), wherein the mountable device comprises a frame *for* placement in a bag bay 11 or 12 of a golf car (vehicle 10), a frame section 17 or 21 that contact[s] a bottom of a bag bay...

The Examiner additionally states (Ans. 7:20-8:2):

since there i[s] no clear distinction of what constitutes a bag bay; in this case the bumper and rear portion of St. Clair[‘s] golf transporting car is perceived as a bag bay, since it is a deck space i.e.; bay area for supporting golf bags...

CG argues that a “bag bay” is a known structure in a golf car and that a person of ordinary skill in the art would not have viewed the hood of an automobile trunk or a bumper as being a bag bay. (App. Br. 5:12-13; Reply Br. 2:11-17.) CG also argues that St. Clair does not show a frame section “contacting the bottom of the bag bay” as required by the claims. (App. Br. 5:13-15.)

The term “bay” means “any of various compartments or sections used for a special purpose (as in an airplane, spacecraft, or service station).” *Merriam Webster’s Collegiate Dictionary* 98 (10th ed. 1996). A “bag bay” is thus a compartment used for the special purpose of storing bags.

The Examiner relied on St. Clair’s elements 11 or 12 as satisfying a “bag bay.” St. Clair discloses an automobile 10 having a bumper 11 and a rear deck or trunk lid 12. (St. Clair 3:37-40.) While claim terms are given their broadest reasonable interpretation during examination, that interpretation must be consistent with the specification. *In re Prater*, 415 F.2d at 1404.

In the context of CG's specification, a "bag bay" is a hollowed rear portion of a golf car that receives golf bags and is separate from a bumper portion of the golf car. (Spec. 12:¶ 74; Figure 5.) St. Clair does not disclose that either bumper 11 or trunk lid 12 receive or store bags. Instead, the bumper and trunk lid operate as areas of attachment for carrier device 13. (St. Clair 2:6-17; 3:40-41.) It is carrier device 13, rather than any portion of bumper 11 or trunk lid 12, that operates to secure golf bags and carts. (St. Clair 3:41-43.) A person of ordinary skill in the art would have recognized St. Clair's bumper 11 as a vehicle component that operates as a safety device to absorb energy in the event of a collision. Trunk lid 12 operates to enclose a trunk. It is neither consistent with CG's specification, nor reasonable, to regard St. Clair's bumper 11 and trunk lid 12 as also forming a "bag bay."

Furthermore, each of claims 14 and 26 require a frame having a frame section "contacting a bottom of the bag bay." St. Clair's carrier device 13 attaches to the outside surface of bumper 11 and the top surface of trunk lid 12. (St. Clair 2:6-17; Figure 1.) Neither of those surfaces are reasonably regarded as a "bottom" of a bag bay.

For the foregoing reasons, we do not sustain the rejection of independent claims 14, and 26 under 35 U.S.C. § 102(a) as anticipated by St. Clair. Claims 15 are 17-26 are dependent, either directly or indirectly, on claim 14. We also do not sustain the rejection of dependent claims 15 and 17-26 as anticipated by St. Clair.

Claims 27-33

Claim 27 is independent and is reproduced below (Claims App'x 15:3-12.)

27. A mountable device for a golf car comprising:

a frame for placement in the bag bay of the golf car;

a first hitch connected to the frame;

a second hitch connected to the frame;

a first detachable device connected to the first hitch, the first detachable device having at least one first wheel for contacting ground and the first hitch supporting an entire weight of the first detachable device when the first wheel is off the ground; and

a second detachable device connected to the second hitch, the second detachable device having at least one second wheel for contacting the ground and the second hitch supporting the second detachable device when the second wheel is off the ground.

CG first argues that St. Clair does not satisfy the requirement of a “frame for placement in the bag bay of the golf car.” (App. Br. 7:12.)

Claim 27 is distinguished from claim 1 and 26 with respect to the element of a bag bay. While a “bag bay” is an element of claims 1 and 26 it is not a structural component of claim 27. All that claim 27 requires is a frame “for placement in the bag bay of the golf car.” That is merely an intended use recitation, which does not require any specific structural feature. *See In re Yanush*, 477 F.2d 958, 959 (CCPA 1973). The limitation is satisfied by a frame that is capable of being placed in a bag bay. Claim 27 also is not a method claim and does not require the step of placing a frame in a bag bay.

St. Clair's Figure 1 is reproduced below:

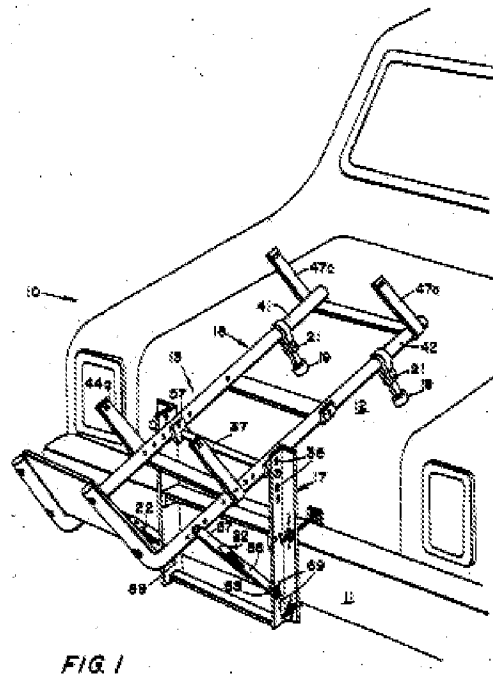


Figure 1 shows the rear end of an automobile supporting a carrier device. (St. Clair 3:19-21.)

St. Clair's carrier device is disclosed as being easily attached to and removed from a vehicle's rear bumper. (St. Clair 1:44-56.) The removable carrier frame as disclosed is capable of being applied to the rear end of a vehicle such as a conventional golf car with a bag bay. We reject CG's argument.

St. Clair also discloses that its carrier "may be applied to a number of different types of vehicle rear ends" (St. Clair. 3:10-13) and "provides for wide application to varying vehicle rear end designs" (St. Clair 2:36-38). Those descriptions further support our determination that the carrier frame is capable of being placed in a bag bay. CG does not articulate why the carrier is incapable of being placed in a bag bay. The claim does not require

attachment to any bumper when placed in a bag bay. The entire carrier assembly can simply be placed in a bag bay.

CG further disputes that St. Clair discloses two hitches as required in claim 27. The Examiner identified St. Clair's elements 41, 44a, and 47a as one hitch and elements 42, 44a, 47a as another hitch. (Ans. 4:6-8.)

According to CG, "St. Clair does not have two hitches as claimed: the golf club bags in St. Clair are not connected to 'hitches' as claimed." (App. Br. 7:22-23.)

CG's argument is not persuasive. A "hitch" is "a connection between a vehicle or implement and a detachable source of power (as a tractor or horse)." *Merriam Webster's Collegiate Dictionary* 550 (10th ed. 1996). In St. Clair, a carrier rack 18 is attached to a frame 17 and supports golf bags and carts 14 on automobile 10. (St. Clair 3:38-53). Carrier rack 18 includes left and right tubular members 41 and 42 each of which are connected to an associated pair of arms 44a and 47a. (St. Clair 4:21-37.) Arms 44a and 47a "act as load retaining side rails and include holes 48 for attachment of load retaining straps 49 (see FIG. 2)." (St. Clair 4:37-39.) Thus, each of tubular members 41 and 42 along with their corresponding arms 44a and 47a attach golf clubs and carts 14 to automobile 10. CG has not shown that the Examiner erred in finding that elements 41, 44a, and 47a satisfy the "first hitch" requirement and elements 42, 44a, and 47a satisfy the "second hitch" requirement.

For the foregoing reasons, we sustain the rejection of claim 27 under 35 U.S.C. § 102(a) as anticipated by St. Clair.

CG does not separately argue the merits of the anticipation rejection of dependent claims 28-33. We also sustain the rejection of those claims as anticipated by St. Clair.

The obviousness rejection based on Hokaku and Casady

The Examiner rejected claims 14-33 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady. We address the claims in two groupings: (1) Claims 14-26; and (2) claims 27-33.

Claims 14-26

With regard to independent claims 14 and 26, CG disputes that Hokaku satisfies the requirement of “a frame section contacting a bottom of the bag bay.” (App. Br. 8:16-19; 10:20-23.)

According to the Examiner Hokaku discloses a mountable device comprising a “frame 3” with a frame section that contacts a bottom of a bag bay of a golf car. (Ans. 5:3-5). The Examiner further states (Ans. 8:9-13):

Hokaku clearly supports golf bags that rest in a rear area (i.e.; bay) of a golf car, the bay being an area above the wheels at the rear of the car, where a frame is attached to the rear of the car by at least one attachment device as broadly claimed, and has a frame section that contacts a bottom of the bag bay; as best shown in figure[s] 1 and 5[.]

Hokaku's Figure 1 is reproduced below:

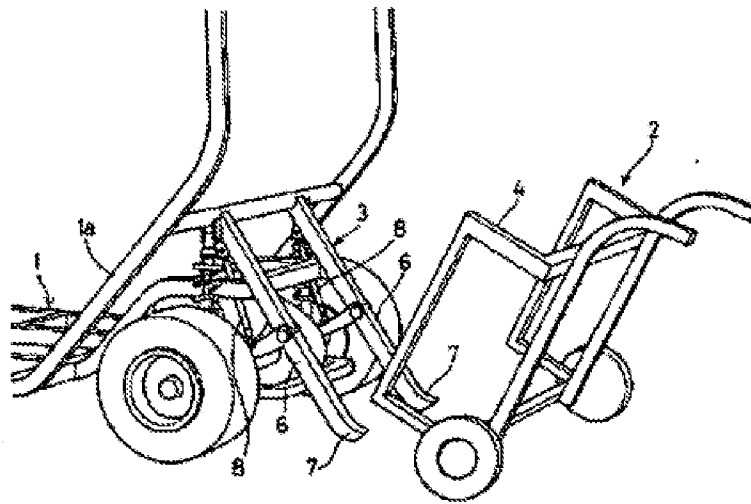


Figure 1 shows an embodiment of a golf cart 1 including an elevating mechanism 3. (Hokaku 4:¶ 10.)

Hokaku discloses an elevating mechanism 3 located on a rear part 1a of a golf cart body 1. (Hokaku 4: ¶ 12.) Hokaku does not disclose that the rear part 1a of cart body 1 includes a “bag bay.” Rather, in Hokaku, golf bags are stored in detachable golf bag carrier 2, which engages elevating mechanism 3 through hooks 7. (Hokaku 4: ¶¶ 11 & 12.) Hokaku distinguishes its golf cart from “conventional golf carts” that include a bag carrying platform located on the rear part of a golf cart body. (Hokaku 3: ¶¶ 2 & 3.) Hokaku does not disclose a golf car with a “bag bay.” Accordingly, Hokaku does not satisfy the requirement of a frame section “contacting a bottom of the bag bay” as required by claims 14 and 26.

We do not sustain the rejection of claims 14 and 26 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady. We also do not sustain the rejection of dependent claims 15-25 over Hokaku and Casady.

Claims 27-33

With regard to claim 27, CG first argues that Hokaku “teaches away from ‘a frame for placement in a bag bay of a golf car, a frame section contacting a bottom of the bag bay’ as claimed.” (App. Br. 11:12-15.)

CG’s argument is misplaced. As discussed above, claim 27 does not require “a frame section contacting a bottom of the bag bay.” For claim 27, it is sufficient if the frame is capable of placement in a bag bay of a golf car, because the claim only recites the intended use of “for placement in the bag bay of the golf car.”

The Examiner identified Hokaku’s elevating mechanism 3 as a frame. Elevating mechanism 3 is a separate element from cart body 1 and rear part 1a. (Hokaku 7:Key; Figure 1.) Furthermore, as shown in Hokaku’s Figure 1, the elevating mechanism is sized to sit between the rear tires of a golf cart. A person of ordinary skill in the art would have recognized that Hokaku’s elevating mechanism would also be capable of being received in the rear bag bay of a conventional golf cart. We reject CG’s argument that Hokaku does not satisfy the requirement of a frame “for placement in the bag bay of the golf car.”

CG also contends that Hokaku does not show two hitches as required in claim 27. (App. Br. 8:5.)

The Examiner does not disagree with CG that Hokaku does not disclose two hitches. To remedy the deficiency the Examiner turned to Casady. The Examiner determined that “Casady discloses the art of incorporating a plurality of hitches located side-by-side at the rear of a golf car (figure 1) that lift a plurality of individual detachable devices.” (Ans. 5:20-21.)

The Examiner reasoned (Ans. 6:1-5):

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mountable device of Hokaku and added additional hitches to the frame of Hokaku[’s] golf car; in order to lift and hold (hitch) additional golf club carriers to a single golf car to simple [sic] reduce the cost of renting a second golf car when more than two people are playing; as clearly suggested by the multiple hitches of Casady[’s] mounting device, which is clearly capable of additionally supporting at least a second detachable device; such as a second detachable golf club carrier, and further to provide a simple alternative means for hitching individual detachable device one at a time; rather than a plurality of device (golf bags) to only one carrier, in order to obtain access to only one detachable device at a time; if desired, as further suggested by individual hitch devices of Casady which would further reduce the cost, weight, stress and possible fatigue and failure on a single hitch device lifting all the detachable devices at once and would further prevent the individual detachable devices from rattling together thus further preventing damage to the detachable devices[.]

CG argues that Hokaku teaches away from using two hitches because its carrier 2 already carries a plurality of bags. (App. Br. 8:4-6.) According to CG, “Hokaku functions perfectly fine without any modification and Casady does not address any need or failings of Hokaku.” (App. Br. 8:25-26.)

CG’s arguments are not persuasive. The test for obviousness is neither that a single reference must recognize a need for its own modification nor that one reference must actively seek to solve the problems of another. Instead, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d at 425. Furthermore, a prior art reference must be considered for everything it teaches by way of technology and is not limited to the

particular invention it is describing and attempting to protect. *EWP Corp.*, 755 F.2d at 907. A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton. *KSR Int'l Co.*, 127 S.Ct. at 1742.

Here, the Examiner determined that in light of the teachings of Casady, a person of ordinary skill in the art would have recognized that adding more hitches to Hokaku would allow more golfers to store golf bags on Hokaku's golf cart. That Hokaku describes embodiments that include a single hitch assembly for one golf bag carrier does not teach away from using multiple hitch assemblies. Hokaku nowhere discloses that more than one hitch would serve no purpose or should never be used. A person of ordinary skill and creativity would not have read Hokaku as disclosing the undesirability of using more than one hitch assembly in any vehicle. The Examiner's analysis reasonably accounts for how a person of ordinary skill and creativity would have viewed the teachings of Hokaku in combination with Casady's teaching of multiple hitch assemblies in resolving the obviousness of CG's claim 27.

Moreover, the Examiner offers an additional reason for incorporating multiple hitches in Hokaku's golf cart. The Examiner explains that the level of ordinary skill in the art is such that one with ordinary skill would have recognized that multiple hitches lifting multiple golf bags reduces hitch stress when compared with a single hitch lifting multiple golf bags. A basis to combine teachings need not be expressly stated in any prior art reference. *In re Kahn*, 441 F.3d at 989. There need only be an articulated reasoning with rational underpinnings to support a motivation to combine teachings. *Id.* at 988.

The Examiner's reasoning is rational as it accounts for the ordinary skill of a person of ordinary skill in the art in seeking solutions to minimize the potential for damage to components of Hokaku's mechanical hitching system. CG does not explain why there is error in that reasoning.

We sustain the rejection of claim 27 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady. CG does not separately argue the merits of the rejection of claims 28-33 over Hokaku and Casady. We also sustain the rejection of those claims.

The obviousness rejection based on Casady and Tang

The Examiner rejected claims 27-33 under 35 U.S.C. § 103(a) as unpatentable over Casady and Tang. CG disputes that Casady and Tang satisfy the requirement of "a first hitching device supporting an entire weight of the first detachable device when the first wheel is off the ground."

The Examiner found that Casady discloses first and second hitch devices 29, 30. (Ans. 7:3-4.) According to the Examiner (Ans. 9:4-7):

Casady clearly shows a plurality of individual hitches, wherein when a detachable device is lifted off the ground, the entire weight of the detachable device would be supported by the hitching device at that movement and therefore reads on the claim as broadly claimed.

Casady discloses a golf cart body 16 having a rear mounted main holding frame 10 that supports golf bags. (Casady 2:38-45.) Frame 10 includes four spring-loaded arms 28, 29, 30, and 31 that are pivoted into a position to engage a golf bag. (Casady 3:4-24.) Each arm includes a hook 28a, 29a, 30a, 31a that engages an upper portion of the golf bag. (Casady 3:25-31.) As for support of a lower portion of each golf bag, Casady discloses (Casady 3:32-43):

When being held, the bottom of the held golf bags rest on the car. Thus, where the middle arms 29 and 30 are used, the bottom of the bags held by those arms will rest in well 17 as is usually the case and will generally also rest against well wall 15 since the bags are held at an angle. When the outside arms 28 or 31 are used, as shown in FIG. 2, the bottom of the bags will rest on fenders 16 of the car and generally against seat upright support 20, since these bags are also held at an angle, as shown.

Thus, support of the weight of each golf bag is accomplished through contact with both an arm and other portions of the golf car, i.e. either the well 17 or fenders 16. Casady does not disclose that any of the arms 28, 29, 30, and 31, termed hitches by the Examiner, support the entire weight of a golf bag. Tang simply discloses a golf bag with wheeled legs and does not disclose a device for hitching the golf bag to a golf car. (Tang Abstract.) The Examiner erred in finding that Casady and Tang satisfy “a first hitching device supporting an entire weight of the first detachable device when the first wheel is off the ground.”

We do not sustain the rejection of claims 27-33 under 35 U.S.C. § 103(a) as unpatentable over Casady and Tang.

F. CONCLUSION

1. CG has shown that the Examiner erred in finding that St. Clair discloses frame contacting a bottom of a bag bay of a golf car.

2. CG has not shown that the Examiner erred in determining that St. Clair’s carrier device satisfies the requirement of “a frame for placement in the bag bay of the golf car.”

3. CG has not shown that the Examiner erred in finding that St. Clair discloses two hitches.

4. CG has shown that the Examiner erred in finding that Hokaku discloses a frame that contacts a bottom of a bag bay.

5. CG has not shown that the Examiner erred in determining that Hokaku's elevating mechanism satisfies the requirement of "a frame for placement in the bag bay of the golf car."

6. CG has not shown that the Examiner erred in determining that a person of ordinary skill in the art would have modified Hokaku to include two hitches in light of the teachings of Casady.

7. CG has shown that the Examiner erred in determining that Casady discloses a first hitch that supports the entire weight of a detachable device.

G. ORDER

The rejection of claims 14, 15, and 17-26 under 35 U.S.C. § 102(a) as anticipated by St. Clair is reversed.

The rejection of claims 27-33 under 35 U.S.C. § 102(a) as anticipated by St. Clair is affirmed.

The rejection of claims 14-26 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady is reversed.

The rejection of claims 27-33 under 35 U.S.C. § 103(a) as unpatentable over Hokaku and Casady is affirmed.

The rejection of claims 27-33 under 35 U.S.C. § 103(a) as unpatentable over Casady and Tang is reversed.

Appeal 2008-6107
Application 10/799,799

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2006).

AFFIRMED-IN-PART

MAT

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